

NUCLEAR REGULATORY COMMISSION

10 CFR Part 73

Physical Protection of Plants and Materials: Correction

AGENCY: Nuclear Regulatory Commission

ACTION: Correction

SUMMARY: In a final rule document published in the Federal Register July 24, 1979 (44 FR 43282), §73.1(b) was revised. An error was made in the amendatory language resulting in the inadvertent deletion of §73.1(b)(2), (3), (4), and (5). It was not the intent of the Commission to delete paragraphs (2), (3), (4) and (5) of §73.1(b). This document corrects this error and republishes §73.1(b) as it should appear including a revision made to §73.1(b)(5) as published at 45 FR 37409 on June 3, 1980.

FOR FURTHER INFORMATION CONTACT: John D. Philips, Chief, Rules and Procedures Branch, Division of Rules and Records, Office of Administration, Nuclear Regulatory Commission, Washington, DC 20555, (301) 492-7086.

SUPPLEMENTARY INFORMATION. Section §73.1(b), appearing at 44 FR 43282, and as revised at 45 FR 37409, as corrected, reads as follows:

§73.1 Purpose and Scope

\* \* \* \* \*

(b) Scope.

(1) This part prescribes requirements for (i) the physical protection of production and utilization facilities licensed pursuant to Part 50 of this chapter, (ii) the physical protection of plants in which activities licensed pursuant to Part 70 of this chapter are conducted, and (iii) the physical protection of special nuclear material by any person who, pursuant to the regulations in Part 70 of this chapter,

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possesses or uses at any site or contiguous sites subject to the control by the licensee, formula quantities of strategic special nuclear material or special nuclear material of moderate strategic significance or special nuclear material of low strategic significance.

(2) This part prescribes requirements for the physical protection of special nuclear material in transportation by any person who is licensed pursuant to the regulations in Part 70 and Part 110 of this chapter who imports, exports, transports, delivers to a carrier for transport in a single shipment, or takes delivery of a single shipment free on board (F.O.B.) where it is delivered to a carrier, formula quantities of strategic special nuclear material, special nuclear material of moderate strategic significance or special nuclear material of low strategic significance.

(3) This part also applies to shipments by air of special nuclear material in quantities exceeding (i) 20 grams or 20 curies, whichever is less, of plutonium or uranium-233, or (ii) 350 grams of uranium-235 (contained in uranium enriched to 20 percent or more in the U-235 isotope).

(4) Special nuclear material subject to this part may also be protected pursuant to security procedures prescribed by the Commission or another Government agency for the protection of classified materials. The provisions and requirements of this part are in addition to, and not in substitution for, any such security procedures. Compliance with the requirements of this part does not relieve any licensee from any requirement or obligation to protect special nuclear material pursuant to security procedures prescribed by the Commission or other Government agency for the protection of classified materials.

§73.1 Purpose and Scope

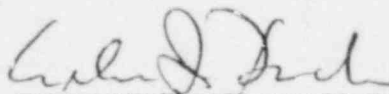
\* \* \* \* \*

(b) Scope \* \* \*

(5) This part also applies to the shipment of irradiated reactor fuel in quantities that in a single shipment both exceed 100 grams in net weight of irradiated fuel, exclusive of cladding or other structural or packaging material, and have a total radiation dose in excess of 100 rems per hour at a distance of 3 feet from any accessible surface without intervening shielding.

Dated at Bethesda, Maryland this 30<sup>th</sup> day of September, 1980.

For the Nuclear Regulatory Commission



William J. Dircks  
Acting Executive Director for Operations